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PATENT & TRADEMARK OFFICE

PTO/SB/21 (09-04) (AW 10/2004)
Approved for use through 7/31/2006. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/682,624
Filing Date	October 9, 2003
First Named Inventor	Samuel Frisch
Art Unit	1724
Examiner Name	Christopher Upton
Attorney Docket No.	EVG-178US

ENCLOSURES *(Check all that apply)*

- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/Declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation, Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (**Appeal Notice, Brief, Reply Brief**)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below): PTO-Form 1449 (2 pgs), Return Receipt Postcard, 2 refs., 1 search report, 2038

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	RatnerPrestia		
Signature	Joshua L. Cohen		
Printed Name	Joshua L. Cohen		
Date	November 3, 2005	*Registration No.*	38,040

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Joshua L. Cohen		
Typed or Printed Name	Joshua L. Cohen	*Date*	November 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.**

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IAP19
PATENT & TRADEMARK OFFICE

PTO/SB/17 (12-04v2) (AW 1/2005)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Effective on 12/08/04.
Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 180

Complete if Known	
Application Number	10/682,624
Filing Date	October 9, 2003
First Named Inventor	Samuel Frisch
Examiner Name	Christopher Upton
Art Unit	1724
Attorney Docket No.	EVG-178US

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):_____

☒ Deposit Account Deposit Account Number: **18-0350** Deposit Account Name: **RatnerPrestia**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below
☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17
☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	____
Design	200	100	100	50	130	65	____
Plant	200	100	300	150	160	80	____
Reissue	300	150	500	250	600	300	____
Provisional	200	100	0	0	0	0	____

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims		Extra Claims		Fee ($)		Fee Paid ($)	Multiple Dependent Claims Fee ($)	Multiple Dependent Claims Fee Paid ($)
_____	- 20 or HP =	_____	x	_____	=	_____	_____	_____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims		Extra Claims		Fee ($)		Fee Paid ($)
_____	- 3 or HP =	_____	x	_____	=	_____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof		Fee ($)		Fee Paid ($)
_____	- 100 =	_____	/ 50 =	_____ (round up to a whole number)	x	_____	=	_____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	____
Other (e.g., late filing surcharge): Information Disclosure Statement	180

SUBMITTED BY				Complete (if applicable)	
Signature	Joshua L. Cohen	Registration No. Attorney/Agent)	38,040	Telephone	(610) 407-0700
Name (Print/Type)	Joshua L. Cohen			Date	November 3, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EVG-178US

IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No:	10/682,624
Applicant:	Samuel Frisch
Filed:	October 9, 2003
Title:	APPARATUS AND METHOD FOR CONTROLLING BIOMASS GROWTH IN SUSPENDED CARRIER BIOREACTOR
TC/A.U.:	1724
Examiner:	Christopher Upton

INFORMATION DISCLOSURE STATEMENT

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO/SB/08a form submitted herewith. A copy of the references listed on the PTO/SB/08a form, other than U.S. patents, is enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

These references were cited by a foreign patent examining authority in connection with the examination of a counterpart of the above identified application. A copy of this English language search report, indicating the degree of relevance determined by the foreign patent office is submitted herewith. MPEP Section 609A(3), second paragraph.

STATEMENT UNDER 37 C.F.R. § 1.97(e)

The undersigned hereby states that

☒ each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

11/08/2005 YPOLITE1 00000012 10682624
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☐ no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(e) more than three months prior to the filing of the Information Statement.

The required fee set forth in 37 C.F.R. § 1.17(p) is provided herewith.

Respectfully submitted,

Joshua L. Cohen

Joshua L. Cohen, Reg. No. 38,040
Attorney for Applicant

JLC/ap

Enclosures: PTO/SB/08a
(2) References
Search Report
Transmittal Form
Fee Transmittal and Check ($180)

Dated: November 3, 2005

☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

☐ P.O. Box 1596
Wilmington, DE 19899
(302) 778-2500

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

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November 3, 2005

Joshua L. Cohen

OIPE IAP19 NOV 07 2005 PATENT & TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 1 of 2

Complete if Known	
Application Number	10/682,624
Filing Date	October 9, 2003
First Named Inventor	Samuel Frisch
Art Unit	1724
Examiner Name	Samuel Frisch
Attorney Docket No.	EVG-178US

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number: Number - Kind Code[2] (if known)	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-4,137,171	01/30/1979	Yokata	Entire Document
		US-4,452,701	06/05/1984	Garrett et al.	Entire Document
		US-4,454,038	06/12/1984	Shimodaira et al.	Entire Document
		US-4,810,377	03/07/1989	Kato et al.	Entire Document
		US-4,839,053	06/13/1989	Tharp	Entire Document
		US-4,521,311	06/04/1985	Fuch et al.	Entire Document
		US-5,372,712	12/13/1994	Petit	Entire Document
		US-6,077,424	06/20/2000	Katsukura et al.	Entire Document
		US-6,616,845 B2	09/09/2003	Shechter et al.	Entire Document
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		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document: Country Code[3] - Number[4] - Kind Code[5] (If known)	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
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						☐
						☐
						☐
						☐

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[1]Applicant's unique citation designation number (optional).

[2]See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

[3]Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

[4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

[5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

[6]Applicant is to place a check mark here if English language translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 2 of 2

Complete if Known	
Application Number	10/682,624
Filing Date	October 9, 2003
First Named Inventor	Samuel Frisch
Art Unit	1724
Examiner Name	Samuel Frisch
Attorney Docket No.	EVG-178US

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T[2]
		International Search Report, application no. PCT/US04/33248, dated October 3, 2005.	☐
		STEEL AND MCGHEE, "Water Supply and Sewerage", 1979, pgs. 50, 508, 509.	☐
		ECKENFELDER, "Principles of Water Quality Management", 1980, pgs. 216, 218.	☐
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Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[1]Applicant's unique citation designation number (optional).

[2]Applicant is to place a check mark here if English language translation is attached.

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